



# California Regional Water Quality Control Board

## San Diego Region

Winston H. Hickox  
Secretary for  
Environmental  
Protection

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September 5, 2003

Ms. Laura Hunter  
Environmental Health Coalition  
1717 Kettner Boulevard, #100  
San Diego, CA 92101

Mr. Jim Peugh  
San Diego Audubon Society  
2776 Nipoma Street  
San Diego, CA 92106

Mr. Bruce Reznik  
San Diego Baykeeper  
2924 Emerson Street, Suite 220  
San Diego, CA 92106

Mr. Marco Gonzalez  
Surfrider Foundation - San Diego  
Chapter  
P.O. Box 1511  
Solana Beach, CA 92075

Mr. Ed Kimura  
Sierra Club  
3820 Ray Street  
San Diego, CA 92104

Dear Ms. Hunter and Messrs. Reznik, Kimura, Peugh, and Gonzalez:

### **REGIONAL BOARD RESPONSE TO COMMENT LETTERS FROM SAN DIEGO BAY COUNCIL REGARDING THE SELECTION OF REFERENCE STATIONS FOR THE NASSCO, SOUTHWEST MARINE, MOUTH OF CHOLLAS CREEK, AND 7<sup>TH</sup> STREET CHANNEL SEDIMENT INVESTIGATIONS**

This is in response to the San Diego Bay Council's letters of May 5, 2003 and August 12, 2003 regarding the Regional Board's final selection of reference stations for the NASSCO, Southwest Marine, Mouth of Chollas Creek, and 7<sup>th</sup> Street Channel sediment investigations. We were in the process of finalizing our response to your May 5, 2003 letters when we received your August 12 letter. I elected to delay our original response to your May 5 letter in order to address all of your concerns with the reference stations from both of your letters. We are now drafting detailed written response to both your May 5, 2003 and August 12, 2003 letters, and will issue those responses under separate cover in the near future.

As you know the Regional Board has been considering for some time how to deal with the reference pool issue. I appreciate the time and effort the San Diego Bay Council has taken to provide the Regional Board with comments and perspective on selecting appropriate reference stations for inclusion in the reference pool. I do not agree with your characterization of the Regional Board's selected reference pool, your critique of the decision making process, your

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recommendation that the Board use the reference pool favored by San Diego Bay Council, and in particular your comments that my staff excluded you from critical deliberations on the reference pool.

In our deliberations on this issue we have considered a significant amount of information and comment from all stakeholders, including San Diego Bay Council, regarding the NASSCO, Southwest Marine, Chollas Creek and Seventh Street Channel contaminated marine sediment investigations. We have also consulted with a number of recognized technical experts in the sediment quality assessment field. At the conclusion of a final extensive two day January 22-23, 2003 technical meeting on the reference pool issue (attended by technical experts, the Natural Resource Trustee Agencies, NASSCO, Southwest Marine, the Navy, and the Bay Council) David Barker of my staff announced that it was the Regional Board's intent to consider all of the information and perspectives presented by the stakeholders and make a decision on the reference pool.

The staff spent a considerable amount of time following the January meetings, pouring over the data and evaluating various reference pool options favored by different stakeholders, including San Diego Bay Council, from a number of different perspectives. We think we arrived at a decision on a suitable reference pool that will provide a sound scientific basis for developing protective cleanup levels. On June 9, 2003 we informed you of our decision on the reference station pool and our intent to direct NASSCO and Southwest Marine to move forward with finalizing the technical report using that reference station pool.

In June 2003 my staff instructed NASSCO and Southwest Marine to proceed with completing their technical report on the sediment quality investigation using the reference pool selected by my staff. NASSCO and Southwest Marine are well into preparing the report and it is due to be submitted in approximately two weeks on September 30, 2003. I cannot support delaying the submission of this report and further delaying a Regional Board decision on cleanup in order to continue the debate on the relative technical merits of alternative reference station pool approaches.

I think we are at the point where it would be useful to apply the Regional Board's reference pool and appropriate statistical procedures to the NASSCO and Southwest Marine sediment site data and see what the various cleanup scenarios are. There is lot of good solid information that has been collected on multiple lines of evidence on this project. Therefore I am anticipating that there will be sufficient information in the technical report to ensure that the Regional Board will be able to evaluate options and make a cleanup decision that is protective of beneficial uses. Staff resource considerations and competing work on other priority projects are also pressing issues for us.




September 5, 2003

At this juncture I believe that the efficacious course for the Regional Board to conclude the investigation and determine cleanup levels is to obtain the technical report from NASSCO and Southwest Marine on September 30, 2003. The technical report will be available for public review upon our receipt of the document. My staff will review the report to determine its adequacy to develop appropriate cleanup levels and has tentatively scheduled the Regional Board's consideration of cleanup and abatement orders for NASSCO and Southwest Marine at the February 2004 Regional Board meeting. The Regional Board will provide ample opportunity for public comment on the cleanup and abatement orders, including the recommended cleanup levels as well as the reference station pool used in deriving the cleanup levels, during the public review process for the cleanup and abatement orders.

Should you have any questions, or require additional information, please contact either Mr. Tom Alo of my staff at (858) 636-3154 or Mr. Craig Carlisle of my staff at (858) 637-7119.

Sincerely,

  
JOHN H. ROBERTUS  
Executive Officer

